

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Gary Topolewski, et al.,
Plaintiffs
v.
Paula Blyschak, et al.,
Defendants

2:16-cv-01588-JAD-NJK

**Order Denying Motions for Attorney's
Fees**

[ECF Nos. 52, 53]

On November 6, 2016, I granted defendants Lee A. Cowley, Joshua Woods, Vivian Cheung, Amir A. Fazel, Aman Walia, Jacqui Ross, Andrea Mosher and their law firm Cowley and Company Law Firm ("the Cowley defendants") and Tim Kilbrais's dismissal motions,¹ and I dismissed all claims against these defendants with prejudice based on lack of personal jurisdiction, noting that plaintiff's² claims also either failed as a matter of law or as plead.³ And because I found that these defects could not be cured by amendment, I denied plaintiff's motion for leave to amend.⁴ The Cowley defendants and Kilbrais now separately move for attorney's fees and costs under FRCP 54(d) and NRS 18.010(2).⁵

Though defendants address the merits of plaintiff's claims and argue that the claims were brought or maintained without reasonable grounds as required for an award of fees under NRS 18.010, neither party complies with the requirements of Local Rule 54-14, which requires parties

¹ ECF Nos. 11, 12.

² At the hearing on the dismissal motions and motion for leave to amend, plaintiffs' consented to dismissal of all claims brought by Gary Topolewski and Bud Zukaloff leaving only Metal Jeans, Inc. as a plaintiff.

³ I did not reach defendants' claim-preclusion arguments.

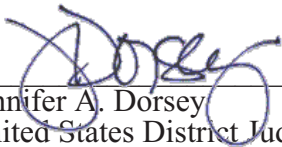
⁴ ECF No. 24.

⁵ ECF Nos. 52, 53.

1 seeking attorney's fees from this court to provide a "reasonable itemization and description of the
2 work performed," "[a]n itemization of all costs sought to be charged as part of the fee award and not
3 otherwise taxable" under the local rules, and a brief summary of various factors designed to allow
4 the court to determine whether the fees requested are reasonable. The Cowley defendants attach an
5 itemized list of costs to their motion but offer no billing statements to show how they arrived at the
6 \$16,800 in attorney's fees they request, nor do they address the other factors required under LR 54-
7 14(b)(3). Likewise, Kilbrai attaches no documentation to support his request for more than double
8 that amount in attorney's fees, and he makes no attempt to explain why these fees are reasonable.⁶ I
9 am thus unable to tell from the information before me whether these defendants are entitled to the
10 fees they request. I therefore deny both motions for attorney's fees without prejudice and give
11 defendants until April 4, 2017, to file rule-compliant motions for attorney's fees. Any future denials
12 will be with prejudice.

13 Accordingly, IT IS HEREBY ORDERED that defendants' motions for attorney's fees [ECF
14 Nos. 52, 53] are **DENIED without prejudice**. Defendants have until **April 4, 2017**, to file
15 renewed motions for attorney's fees.

16 March 21, 2017

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19 Jennifer A. Dorsey
20 United States District Judge
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27 ⁶ Kilbrai attaches a supplemental attorney affidavit to his reply, but I decline to consider this
28 information because it was provided for the first time in the reply, which deprived plaintiff of a fair
opportunity to respond to it. See ECF No. 66-1.